

Staff Summary Report



Hearing Officer Hearing Date: March 3, 2009

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by **THE LIBRARY BAR AND GRILL (PL090046)** located at 501 South Mill Avenue, Suite 101 for one (1) use permit.

DOCUMENT NAME: 20090303dsng01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **THE LIBRARY BAR AND GRILL (PL090046)** (Jake Guzman, applicant; Hit the Bricks, property owner) located at 501 South Mill Avenue, Suite 101, in the CC, City Center District for:

ZUP09032 Use permit to allow live entertainment.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

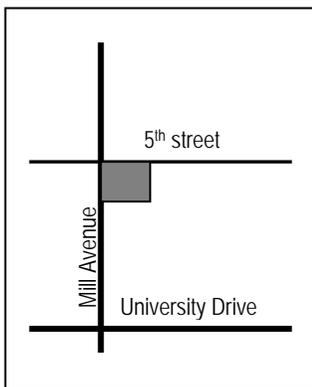
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow live entertainment, located at 501 South Mill Avenue, Suite 101 in the CC, City Center District. The entertainment would be in the form of live music, dancing, comedy, DJ's, magicians, karaoke, and special events. To date no public input has been received. Staff supports approval of the use permit.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Staff Photograph

COMMENTS:

The applicant is requesting a use permit to allow live entertainment, located at 501 South Mill Avenue, Suite 101 in the CC, City Center District. The entertainment would be in the form of live music, dancing, comedy, DJ's, magicians, karaoke, and special events. Live entertainment will take place on weeknights, Monday through Friday, from 7:00pm to 2:00am and from open to close on the weekends. The live entertainment will take place on the platform/stage area at the west end of the building near the main entrance.

To date no public input has been received. Staff supports approval of the use permit.

Use Permit

The Zoning and Development Code requires a use permit for live entertainment in the CC, City Center District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There should be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - The restaurant use is similar to others in the area; sound from music will have to conform to the noise ordinance.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.

Conclusion

Staff recommends approval of the use permit, subject to conditions of approval.

REASONS FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. This use will not result in the deterioration of the neighborhood or downgrading of property values.
3. The use appears to be compatible with the surrounding structures and uses.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITIONS OF APPROVAL:

1. The use permit is valid for The Library Bar and Grill and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. Music generated from the use shall conform to the City of Tempe code requirements for noise control.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. The use permit is valid for the plans as submitted within this application.
6. The applicant shall work with the Tempe Police Department to implement/update a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6027.

HISTORY & FACTS:

- October 18, 2002 BA020269 – The Hearing Officer approved the use permit request by Check Us Out Tempe LLC d.b.a. The Library Bar and Grill to allow a bar and restaurant located at 501 S Mill Ave.
- January 27, 2009 CM090128 –Library Bar and Grill holding live entertainment without a use permit.

DESCRIPTION:

Owner – Hit the Bricks
Applicant – Jake Guzman
Existing Zoning – CC, City Center District
Parcel Area – 7,802 s.f. / .18 acres
Suite Size – 5,200 s.f.

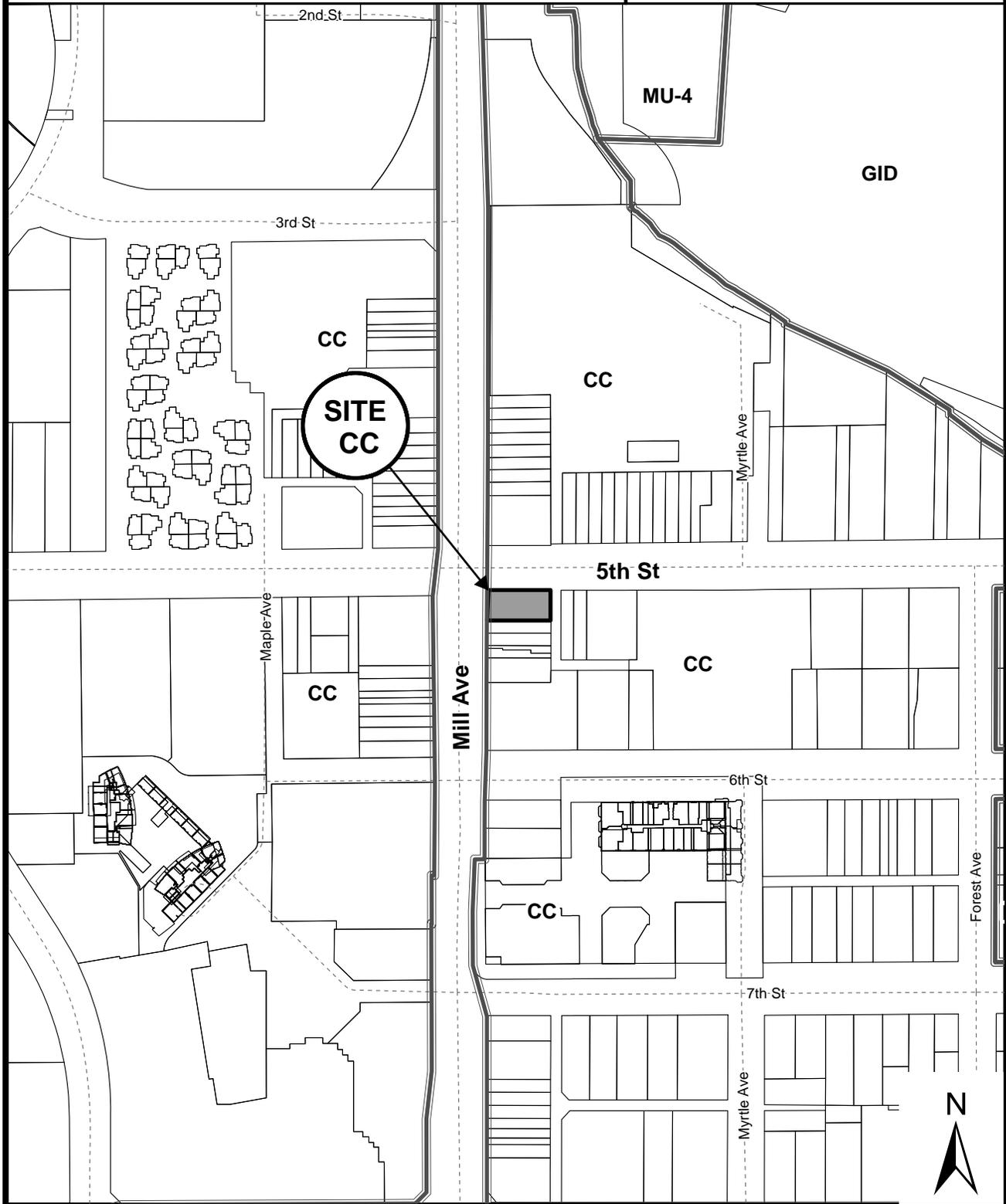
ZONING AND DEVELOPMENT CODE REFERENCE:

Part 3, Chapter 2, Section 3-202: Permitted Uses in Commercial and Mixed Use Districts.

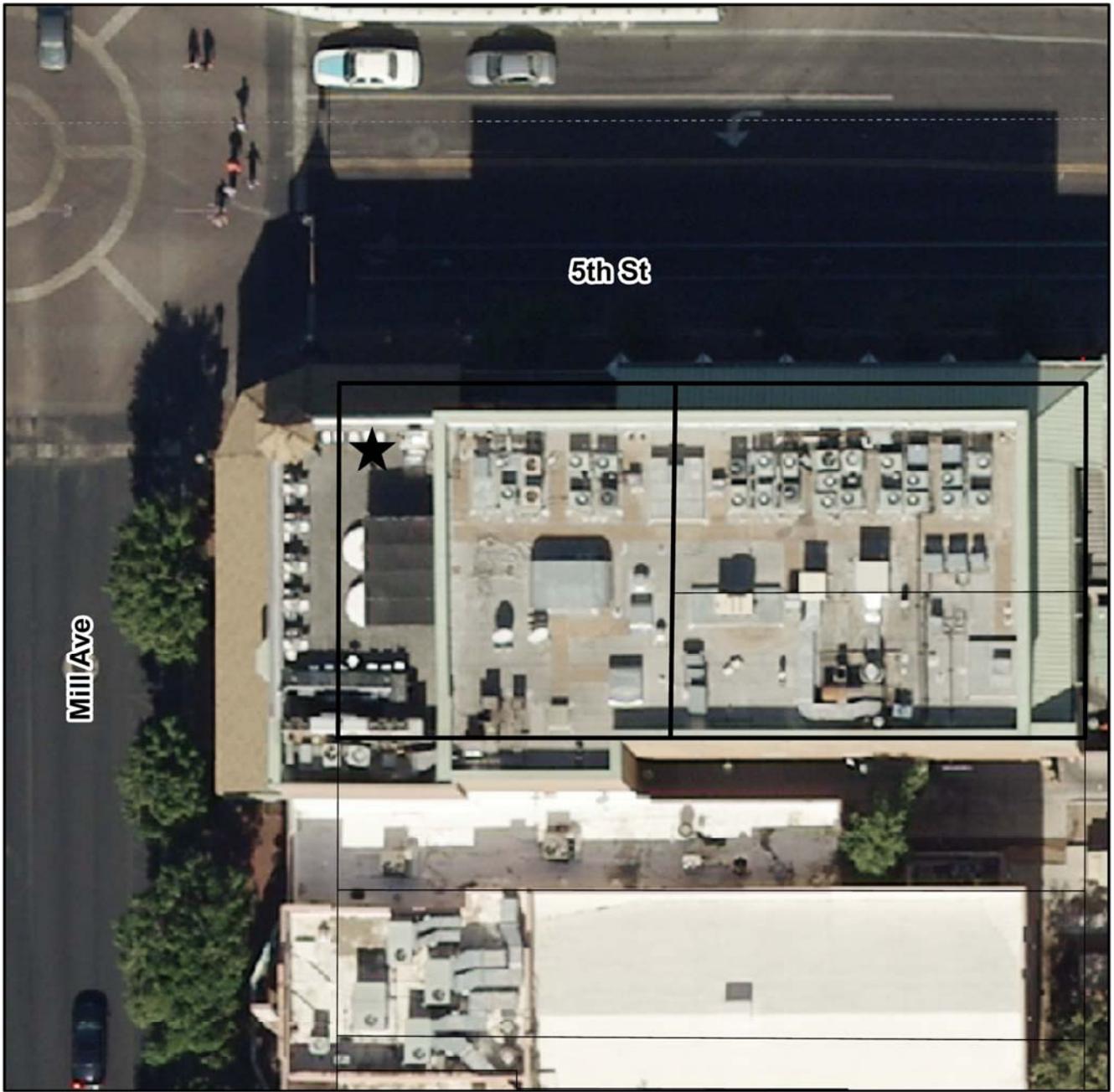
Part 6, Chapter 3, Section 6-308: Use Permit

THE LIBRARY BAR AND GRILL

PL090046



Location Map



THE LIBRARY BAR AND GRILL (PL090046)



The Library Bar and Grill
501 South Mill Avenue
Tempe, Arizona
480.929.2922

To whom it may concern:

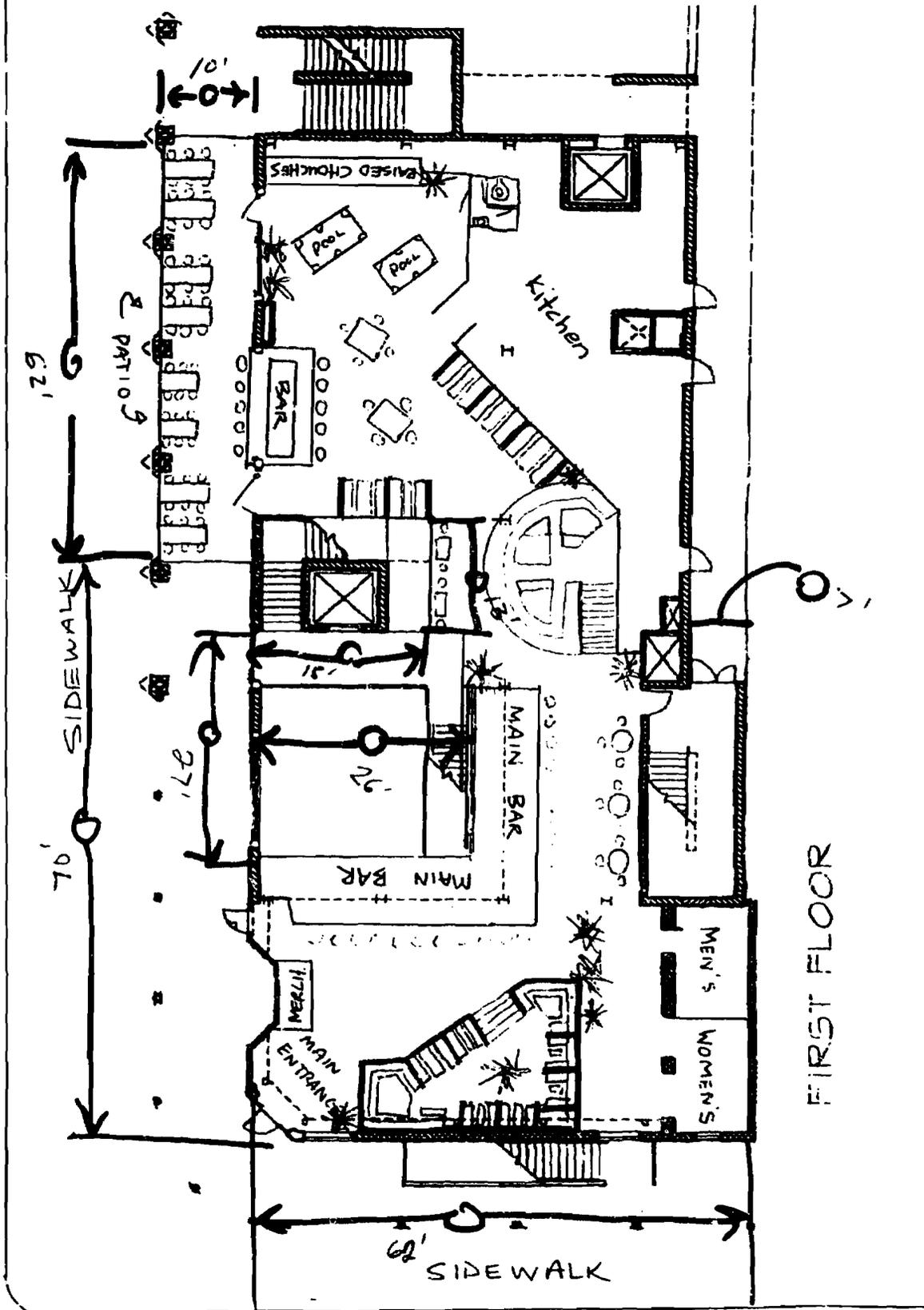
The Library bar and grill is the following:

- ❖ A bar and grill
- ❖ Serving food daily from 11am-10pm
- ❖ Hours of operation are from 11am to 2am, except for football season when we will open as early as 9am.
- ❖ We have live entertainment on a nightly basis.
- ❖ Entertainment includes:
 1. live music
 2. dj's
 3. dancing
 4. comedy
 5. magic shows
 6. carnival type of entertainment on special occasions i.e st. patty's day etc.

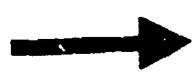
If you have any questions please contact me.

Jake Guzman G.M.
The Library Bar and Grill
480 929 9002

FIFTH ST. (STADIUM .5 mi.) →



← MILL AVENUE →





THE LIBRARY BAR AND GRILL

501 SOUTH MILL AVENUE, SUITE 101

PL090046

FRONT OF BUSINESS

